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Hunton & Williams
1900 K Street N W
Washington, DC 20006-1109

EXAMINER

HAMILTON, LALITA M

ART UNIT PAPER NUMBER

3624

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,694

Applicant(s)

NACHT, RICHARD H.

Examiner

Lalita M. Hamilton

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination (RCE)

The RCE filed on September 28, 2005 has been entered and a rejection follows below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman US 2002/0059137 in view of Broadbent (2005/0197953).

Freeman discloses an online mortgage application processing and tracking system comprising receiving mortgage approval application data from an end user device, wherein the mortgage approval application data is entered into the end user device by a borrower (p.2: 16); forwarding the mortgage approval application to a plurality of mortgage underwriting systems, wherein each mortgage underwriting system

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receives at least one of the plurality of mortgage approval applications (p.2: 16, 21; p.3: 38; and p.5: 57); receiving at least one decision from at least one of the plurality of mortgage underwriting systems, the at least one decision based on the mortgage approval application (p.6: 58); forwarding the at least one decision to the borrower device (p.6: 58); formatting each mortgage approval application based on formatting for each mortgage underwriting system and forwarding to each mortgage underwriting system the mortgage approval application created in the format for that mortgage underwriting system (p.4: 46 to p.5: 48—may be done with software); the at least one decision comprises a universal approval of a mortgage loan program and terms and conditions of the mortgage loan program (p. 6: 60); presenting a questionnaire to the individual, wherein the mortgage approval application data received is generated at the end user device in response to the questionnaire(p.3: 33 and p.4: 39—during application process); the at least one mortgage approval application decision comprises a universal approval, a mortgage loan program and the terms and conditions of the mortgage loan program (p.6: 60 and p.7: 73-74); forwarding the mortgage approval application to a plurality of mortgage underwriting systems, wherein each mortgage underwriting system receives one of the plurality of mortgage approval applications (p.2: 16, 21; p.3: 38; and p.5: 57); receiving at least one decision from at least one of the plurality of mortgage underwriting systems, wherein the at least one decision is based on the mortgage approval application (p.6: 58); forwarding the at least one decision to the borrower device, wherein the at least one decision comprises at least one universal approval, designation of at least one mortgage loan program, the terms and conditions

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of the designated at least one mortgage program, and an indication of the best fit mortgage loan program for the borrower (p.6: 60 and p.7: 73-74); the mortgage approval application decision facilitates obtaining a mortgage loan from a financial lender (p.6: 60); a receiver device for receiving mortgage approval application data from a borrower device, wherein the mortgage approval application data is entered into the borrower device by an individual borrower (p.2: 16); a forwarding module for forwarding the mortgage approval application to a plurality of mortgage underwriting systems, wherein each mortgage underwriting system receives the mortgage approval application created in the format required for that mortgage underwriting system (p.2: 16, 21; p.3: 38; and p.5: 57); a receiving module for receiving at least one decision from at least one of the plurality of mortgage underwriting systems based on the mortgage approval application (p.6: 58); a transmitting device for forwarding the at least one decision to the borrower device, wherein the decision comprises at least one universal approval, designation of at least one mortgage loan program, the terms and conditions of the designated at least one mortgage program, and an indication of the best fit mortgage loan program for the borrower (p.6: 60 and p.7: 73-74); the mortgage approval application data is entered into the borrower device by an individual borrower (p.3: 33 to p.4: 39); an application creating module for creating a plurality of mortgage approval applications comprising the mortgage approval application data (p.4: 39-40); a forwarding module for forwarding the plurality of mortgage approval applications to a plurality of mortgage underwriting systems, wherein each mortgage underwriting system receives at least one of the plurality of mortgage approval applications (p.4: 39-40); a

receiving module for receiving at least one decision from at least one of the plurality of mortgage underwriting systems, the at least one decision based on the mortgage approval application (p.6: 58); a transmitter forwarding device for forwarding the at least one decision to the borrower device (p.6: 58); creating a plurality of mortgage approval applications further comprises formatting each mortgage approval application based on the format required by each mortgage underwriting system and forwarding the plurality of mortgage approval applications further comprises forwarding to each mortgage underwriting system the mortgage approval application created in the format for that mortgage underwriting system (p.4: 46 to p.5: 48); a questions module for presenting a questionnaire to the individual, wherein the mortgage approval application data received is generated at the end user device in response to the questionnaire (p.2: 16 and p.3: 38—filling in data during application process); and the mortgage approval application decision facilitates obtaining a mortgage loan from a financial lender (p.6: 58). Freeman does not disclose creating a plurality of mortgage approval applications comprising the mortgage approval application data; the mortgage approval application decision further comprises a universal non-limited mortgage approval; an application-creating module for creating a plurality of mortgage approval applications comprising the mortgage approval application data; the application creation module creates a plurality of mortgage approval applications without the intervention of the borrower; or the at least one decision further comprises a decision format selected by the individual, wherein the individual selects at least one of the group of: a) the terms and conditions from a predetermined underwriting system; b) a link for connecting the at least one mortgage

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approval application decision to an appropriate lender, and c) a link for accessing an appropriate lenders website. Broadbent teaches a method and corresponding system for mortgage loans comprising creating a plurality of mortgage approval applications comprising the mortgage approval application data (p.5, 60-68); the mortgage approval application decision further comprises a universal non-limited mortgage approval (p.5, 58-59); the application creation module creates a plurality of mortgage approval applications without the intervention of the borrower p.10, 118); and the at least one decision further comprises a decision format selected by the individual, wherein the individual selects at least one of the group of: a) the terms and conditions from a predetermined underwriting system; b) a link for connecting the at least one mortgage approval application decision to an appropriate lender, and c) a link for accessing an appropriate lenders website (p.5, 58-59). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Freeman does not disclose creating a plurality of mortgage approval applications comprising the mortgage approval application data; the mortgage approval application decision further comprises a universal non-limited mortgage approval; an application-creating module for creating a plurality of mortgage approval applications comprising the mortgage approval application data; the application creation module creates a plurality of mortgage approval applications without the intervention of the borrower; or the at least one decision further comprises a decision format selected by the individual, wherein the individual selects at least one of the group of: a) the terms and conditions from a predetermined underwriting system; b) a link for connecting the at least one mortgage

approval application decision to an appropriate lender, and c) a link for accessing an appropriate lenders website, as taught by Broadbent into the invention disclosed by Freeman, to allow the user to have additional options to allow for the underwriting process to go as smoothly as possible.

Provisional Application Listed on PTO-892 form

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

Response to Arguments

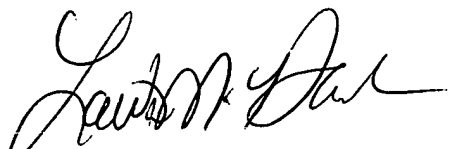
Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH